

EIGHTY-FIRST DAY

(Thursday, May 29, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Gandy
Allen	Garland
Allison	Gilmer
Alsup	Goodman
Avant	Halsey
Bailey	Hanna
Baker	Hardeman
Bean	Hargis
Bell	Harris of Dallas
Benton	Harris of Hill
Boone	Hartzog
Brawner	Heflin
Bray	Helpinstill
Bridgers	Henderson
Brown	Hileman
Bruhl	Hobbs
Bullock	Howard
Bundy	Howington
Burkett	Hoyo
Burnaman	Huddleston
Carlton	Hughes
Carrington	Humphrey
Cato	Hutchinson
Chambers	Isaacks
Clark	Jones
Cleveland	Kelly
Coker	Kennedy
Colson, Mrs.	Kinard
Connelly	King
Craig	Klingeman
Crossley	Knight
Crosthwait	Lansberry
Daniel	Lehman
Davis	Leyendecker
Deen	Little
Dickson of Bexar	Lock
Dickson of Nolan	Love
Donald	Lowry
Dove	Lucas
Duckett	Lyle
Dwyer	McAlister
Ellis	McCann
Eubank	McDonald
Evans	McGlasson
Favors	McLellan
Ferguson	McMurry
Files	McNamara
Fitzgerald	Manford
Fuchs	Manning

Markle	Sallas
Martin	Senterfitt
Matthews	Shell
Mills	Simpson
Montgomery	Skiles
Moore	Smith of Bastrop
Morgan	Spacek
Morris	Spangler
Morse	Stanford
Murray	Stinson
Pace	Taylor
Parker	Thornton
Pevehouse	Turner
Phillips	Vale
Price	Voigt
Rampy	Walters
Reed of Bowie	Wattner
Reed of Dallas	Weatherford
Ridgeway	White
Rhodes	Whitesides
Roark	Winfree
Roberts	

Absent—Excused

Blankenship	Nicholson
Celaya	Sharpe
Huffman	Smith of Atascosa
Kersey	Stubbs

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, as we strive along the way of duty, and even as our tasks grow more difficult, we are prone to forget and depart from Thee. May we know that the noblest aspiration of man is to measure up to the reasonable expectation of God concerning him. May we and our nation come closer to Thee, that we may claim Thy help today and always. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Kersey for today on motion of Mr. Crossley.

Mr. Celaya for today on motion of Mr. Bundy.

Mr. Smith of Atascosa for today on motion of Mr. Roberts.

Mr. Crosthwait for this afternoon on motion of Mr. Harris of Dallas.

Mr. Blankenship for today on motion of Mr. Duckett.

Mr. Sharpe for today on motion of Mr. Roark.

The following Members were granted leaves of absence on account of illness:

Mr. Stubbs for today, on account of death of a friend, on motion of Mr. Turner.

Mr. Nicholson for today and indefinitely on motion of Mr. Burkett.

BILLS ORDERED NOT PRINTED

On motion of Mr. Hardeman, Senate Bill No. 458 was ordered not printed.

On motion of Mr. Hanna, Senate Bill No. 452 was ordered not printed.

On motion of Mr. Isaacks, House Bill No. 1064 was ordered not printed.

On motion of Mr. Alsup, House Bill No. 1066 was ordered not printed.

BILLS RECOMMITTED

Mr. Gilmer moved that House Bill No. 1044 be recommitted to the Committee on State Affairs.

The motion prevailed.

Mr. Shell moved that Senate Bill No. 466 be recommitted to the Committee on Game and Fisheries.

The motion prevailed.

IN MEMORY OF HON. T. U. TAYLOR

Hon. John Bell, of Dewitt County, moved that the Chief Clerk of the House be instructed to request the State Board of Control to fly all State Flags at half mast for the duration of the day, out of respect to the memory of Hon. T. U. Taylor, Dean Emeritus of the College of Engineering of the University of Texas.

BILL LAID ON THE TABLE SUBJECT TO CALL

On motion of Mr. Lansberry, Senate Bill No. 440 was laid on the table subject to call.

BILL RE-REFERRED

Mr. Alsup moved that House Bill No. 232 be withdrawn from the Committee on Criminal Jurisprudence and referred to the Committee on State Affairs.

The motion prevailed.

Mr. Hughes moved that House Bill No. 232 be withdrawn from the Committee on State Affairs and referred to the Committee on Criminal Jurisprudence.

Mr. Alsup moved to table the motion by Mr. Hughes.

The motion to table was lost.

Mr. Harris of Dallas moved as a substitute motion that House Bill No. 232 be withdrawn from the Committee on State Affairs and referred to the Committee on Military Affairs.

Mr. Hughes moved to table the substitute motion by Mr. Harris of Dallas.

The motion to table was lost.

Question recurring on the substitute motion by Mr. Harris of Dallas that House Bill No. 232 be re-referred to the Committee on Military Affairs, it prevailed.

RELATIVE TO ROUTINE AND RESOLUTION PERIOD

Mr. Bell moved that the House dispense with the routine motion period and the resolution period.

The motion was lost.

MESSAGE FROM THE SENATE

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to adopt the Conference Committee report on H. B. No. 29 and has requested the appointment

of a new Conference Committee to adjust the differences between the two Houses. The following have been appointed on the part of the Senate:

Senators Sulak, Moffett, Formby, Metcalfe and Chadick.

Adopted

H. C. R. No. 183, Instructing the Enrolling Clerk to correct House Bill No. 73.

Respectfully,

BOB BARKER,

Secretary of the Senate.

**REQUEST OF SENATE GRANTED
ON HOUSE BILL NO. 29**

Mr. Fuchs moved that the House grant the request of the Senate for the appointment of a new Conference Committee on House Bill No. 29.

The motion prevailed.

**MOTION TO INSTRUCT CONFERENCE COMMITTEE ON HOUSE
BILL NO. 29**

Mr. Stinson moved that the Conference Committee on House Bill No. 29 be instructed to delete from the Conference report all references as to the weight of bread.

On motion of Mr. Chambers, the motion by Mr. Stinson was tabled.

**MOTION TO RE-REFER HOUSE
BILL NO. 325**

Mr. McAlister moved that House Bill No. 325 be withdrawn from the Committee on Insurance and referred to the Committee on State Affairs.

Mr. Eubank moved to suspend the Rules in order that Mr. Spacek may debate the above motion.

The motion to suspend the Rules prevailed.

Mr. Manning moved that Mr. Spacek's remarks be limited to five minutes.

The motion was lost.

Mr. Winfree raised the point of order that the routine motion period has expired.

The Speaker overruled the point of order.

Mr. McNamara moved to table the motion by Mr. McAlister to rerefer House Bill No. 325.

The motion to table prevailed.

(Mr. Carlton in the Chair.)

MOTION TO RE-REFER

Mr. Harris of Dallas moved that House Bill No. 89 be withdrawn from the Committee on Judiciary and referred to the Committee on State Affairs.

The motion was lost.

(Speaker in the Chair.)

**RELATIVE TO ROUTINE MOTION
PERIOD AND RESOLUTION
PERIOD**

Mr. Manford moved to dispense with any further routine motions and the resolution period.

The motion prevailed.

**PROVIDING FOR CERTAIN
ADJOURNMENT PERIOD**

Mr. Kennedy offered the following resolution:

H. C. R. No. 189, Providing for certain adjournment period.

Whereas, It is highly desirable that the Free Conference Committees on the various bills be given as much time as possible for work and study;

Therefore, Be It Resolved, That each House grant to the other the right to adjourn from Thursday, May 29th, until Monday, June 2nd, 1941.

The resolution was read second time and was adopted.

**AUTHORIZING CERTAIN CORRECTION
IN HOUSE BILL NO. 360**

Mr. Favors offered the following resolution:

H. C. R. No. 190, Authorizing certain correction in House Bill No. 360.

Whereas, The Conference Committee appointed by the Senate and the

House to adjust the differences between the two Houses on House Bill No. 360, a local bracket bill, inadvertently omitted Wheeler County population bracket twelve thousand four hundred (12,400) to twelve thousand four hundred twenty-five (12,425).

Now, Therefore, Be It Resolved by the House and the Senate concurring, That the Enrolling Clerk of the House be instructed to correct this error and insert Wheeler County by a population bracket from twelve thousand four hundred (12,400) to twelve thousand four hundred twenty-five (12,425).

The resolution was read second time and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed, notwithstanding the Governor's veto, the following bill:

H. B. No. 875, A bill to be entitled "An Act to amend Section 8-A, Senate Bill No. 21, Chapter 2, General Laws of the Forty-sixth Legislature, Regular Session, 1939, which said Senate Bill No. 21 amended Chapter 482, General and Special Laws, Forty-fourth Legislature, Third Called Session; etc., and declaring an emergency."

Has passed

H. B. No. 983, A bill to be entitled "An Act repealing Article 1350, Revised Civil Statutes of Texas, 1925; etc., and declaring an emergency." (With amendments.)

H. B. No. 361, A bill to be entitled "An Act declaring the floods of Lavaca County, Texas, to be a public calamity; etc., and declaring an emergency." (With amendments.)

H. B. No. 620, A bill to be entitled "An Act amending Section 2 of Chapter 5, Acts Second Called Session of the Forty-third Legislature, as amended by Chapter 459, Acts Second Called Session of the Forty-

fourth Legislature; and declaring an emergency." (With amendments.)

H. B. No. 7, A bill to be entitled "An Act making a donation of all of the net amount of State ad valorem taxes collected on property situated in and from rolling stock of railroads apportioned to Calhoun County, Texas, to the City of Port Lavaca, Texas, to enable the City to construct, repair, and improve sea walls and breakwaters; etc., and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 983 WITH SENATE AMENDMENTS

Mr. McLellan called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 983, A bill to be entitled "An Act repealing Article 1350, Revised Civil Statutes of Texas, 1925; amending Article 1351 so as to make the penalty therein provided apply specifically to Articles 1348 and 1349, Revised Civil Statutes of Texas, 1925; amending Article 1351, Revised Civil Statutes and Article 213, Penal Code of Texas, to prohibit corporations, their officers, directors, stockholders, employees and agents acting in their behalf, from expending or promising to expend any money or thing of value in order to aid or hinder the nomination or election of any person to public office or to influence the vote on any question submitted to the voters; etc., and declaring an emergency."

On motion of Mr. McLellan, the House concurred in the Senate amendments by the following vote:

Yeas—119

Allison	Brown
Alsup	Bullock
Avant	Bundy
Bailey	Burkett
Baker	Carlton
Bell	Carrington
Benton	Cato
Boone	Chambers
Bray	Clark
Bridgers	Coker

Colson, Mrs.	Lock
Connelly	Love
Crossley	Lucas
Crosthwait	Lyle
Daniel	McAlister
Davis	McGlasson
Dickson of Bexar	McLellan
Dickson of Nolan	McMurry
Donald	McNamara
Dove	Manning
Duckett	Markle
Dwyer	Martin
Ellis	Matthews
Eubank	Mills
Evans	Montgomery
Favors	Moore
Ferguson	Morse
Files	Murray
Fitzgerald	Pace
Fuchs	Parker
Gandy	Pevehouse
Garland	Phillips
Goodman	Price
Halsey	Rampy
Hanna	Reed of Bowie
Hardeman	Reed of Dallas
Hargis	Ridgeway
Harris of Dallas	Rhodes
Hartzog	Roark
Heflin	Roberts
Helpinstill	Sallas
Henderson	Senterfitt
Hileman	Shell
Hobbs	Smith of Bastrop
Howard	Spacek
Howington	Spangler
Hoyo	Stanford
Hughes	Stinson
Humphrey	Taylor
Hutchinson	Thornton
Jones	Turner
Kelly	Vale
Kennedy	Voigt
Kinard	Walters
Klingeman	Wattner
Knight	Weatherford
Lansberry	White
Lehman	Whitesides
Leyendecker	Winfree
Little	

Nays—5

Burnaman	Lowry
Craig	McCann
Harris of Hill	

Absent

Allen	Cleveland
Bean	Deen
Brawner	Gilmer
Bruhl	Huddleston

Isaacks	Morgan
King	Morris
McDonald	Simpson
Manford	Skiles

Absent—Excused

Blankenship	Nicholson
Celaya	Sharpe
Huffman	Smith of Atascosa
Kersey	Stubbs

Mr. McLellan moved to reconsider the vote by which the motion prevailed and to table the motion to reconsider.

The motion to table prevailed.

BILLS AND RESOLUTIONS SIGNED
BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following bills and resolution:

H. C. R. No. 171, Memorializing Congress in regard to transfer of oil tankers.

H. B. No. 968, "An Act creating a special road law for Burnet County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 12th day of May, 1941; setting forth the method of said funding or refunding; validating all acts of the Commissioners' Court in issuing said scrip and time warrants; validating said scrip and time warrants, etc., and declaring an emergency."

S. B. No. 414, "An Act amending Chapter 467, Acts of the Second Called Session of the 44th Legislature, as amended by House Bill No. 8, Acts of the Third Called Session of the 44th Legislature, etc.; and declaring an emergency."

S. B. No. 470, "An Act amending Article X of House Bill No. 8, Acts Regular Session, 47th Legislature, so as to define the terms 'new,' 'cosmetics,' and 'playing cards'; and declaring an emergency."

S. B. No. 323, "An Act amending Section 2 of Chapter 148, of the

General Laws passed by the 42nd Legislature in its Regular Session in 1931, as amended by Section 2, of Chapter 15, of the General Laws passed by the 44th Legislature in its Regular Session, 1935; etc., and declaring an emergency."

S. B. No. 269, "An Act amending Articles 3927 and 3928, Revised Civil Statutes of 1925; providing for disposition of such fees; and declaring an emergency."

S. B. No. 475, "An Act accepting title to and establishing King's State Park and setting up a Board of Commissioners to advise and assist the Board of Control in the improvement, care and preservation of said park; and declaring an emergency."

H. B. No. 1026, "An Act conferring upon the Board of Regents of the Texas State Teachers Colleges the power of eminent domain to acquire land for the use of the colleges; exempting said Regents from depositing bond as provided in Section 2 of Article 3268, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

S. B. No. 479, "An Act authorizing eligible cities as defined herein to issue refunding revenue bonds to take up outstanding revenue bonds issued for the purpose of constructing Exposition and Convention Halls or Coliseums; etc., and declaring an emergency."

H. B. No. 576, "An Act to repeal Article 4201a, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 29

The Speaker announced the appointment of the following Conference Committee on House Bill No. 29:

Messrs. Fuchs, Chambers, Hoyo, Carrington, and Donald.

RECESS

Mr. Morris moved that the House recess until 2:00 o'clock p. m. today.

Mr. Reed of Dallas moved that the

House recess until 2:30 o'clock p. m. today.

The motion of Mr. Morris prevailed and the House accordingly, at 12:00 o'clock m., took recess until 2:00 o'clock p. m. today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for this afternoon, as follows:

Mr. Hardeman, on account of important business, on motion of Mr. Gilmer.

Mr. Markle on account of important business, on motion of Mr. Brown.

Mr. Cleveland on account of important business, on motion of Mr. Moore.

Mr. Bruhl on account of important business, on motion of Mr. McGlasson.

HOUSE BILLS ON FIRST READING

The following House bills introduced today, were laid before the House, read severally first time, and referred to the appropriate committee, as follows:

By Mr. Wattner:

H. B. No. 1070, A bill to be entitled "An Act providing that it shall be lawful to kill quail in Van Zandt County only on Monday, Wednesday, and Saturday of each week after the first day of December, 1941, and continuing until and including the 16th day of January, 1942, and during the same time for each year thereafter on the same days of the week; providing the number of quail that can be killed on any one day; prescribing violations of this Act and providing the penalties therefor; repealing all laws in conflict herewith and expressly repealing House Bill No. 949, Regular Session of the 47th Legislature; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Taylor, Mr. Cato, Mr. Reed of Bowie and Mr. Ellis:

H. B. No. 1072, A bill to be entitled "An Act transferring to and vesting the functions of the Texas Ranger Force, the Bureau of Identification and Records, the Bureau of Communications, the Bureau of Intelligence, and the Bureau of Education, now divisions of the Department of Public Safety, to the Adjutant General's Department, and transferring all functions, duties and powers vested by law in the Department of Public Safety pertaining to said divisions in the Adjutant General of the State of Texas; providing for the transfer of all officers and employees, the balances of appropriations and all books, papers, records, property and pending business of these divisions from the Department of Public Safety to the Adjutant General's Department; and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Morris moved to introduce at this time, and have placed on first reading, House Bill No. 1071.

The motion prevailed by the following vote:

Yeas—100

Allison	Craig
Alsup	Crossley
Avant	Daniel
Bailey	Davis
Baker	Dickson of Bexar
Bean	Dickson of Nolan
Bell	Donald
Benton	Dove
Boone	Duckett
Brawner	Dwyer
Bray	Ellis
Bridgers	Eubank
Bullock	Evans
Bundy	Favors
Burkett	Ferguson
Carlton	Files
Carrington	Fitzgerald
Cato	Garland
Clark	Gilmer
Coker	Goodman
Colson, Mrs.	Halsey
Connelly	Hargis

Harris of Dallas
Harris of Hill
Heflin
Helpinstill
Hileman
Hobbs
Howington
Hoyo
Huddleston
Hughes
Humphrey
Hutchinson
Isaacks
Jones
King
Klingeman
Knight
Leyendecker
Little
Lock
Love
Lucas
Lyle
McAlister
McDonald
McLellan
McMurry
Manford

Manning
Martin
Matthews
Mills
Moore
Morgan
Morris
Murray
Pevehouse
Phillips
Price
Rampy
Reed of Dallas
Ridgeway
Roark
Roberts
Sallas
Senterfitt
Simpson
Skiles
Stanford
Thornton
Turner
Vale
Wattner
White
Whitesides
Winfree

Nays—17

Burnaman
Deen
Fuchs
Kennedy
Kinard
McCann
McGlasson
McNamara
Montgomery

Morse
Pace
Parker
Reed of Bowie
Smith of Bastrop
Spacek
Spangler
Walters

Absent

Allen	Lansberry
Brown	Lehman
Chambers	Lowry
Gandy	Rhodes
Hanna	Shell
Hartzog	Stinson
Henderson	Taylor
Howard	Voigt
Kelly	Weatherford

Absent—Excused

Blankenship	Kersey
Bruhl	Markle
Celaya	Nicholson
Cleveland	Sharpe
Crosthwait	Smith of Atascosa
Hardeman	Stubbs
Huffman	

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Morris, Mr. McLellan, Mr. Manning, Mr. Klingeman, Mr. Bailey, Mr. Lyle, Mr. Manford and Mr. Whitesides:

H. B. No. 1071, A bill to be entitled "An Act amending Article XIX of House Bill No. 8, Acts of the Forty-seventh Legislature, Regular Session, approved May 1, 1941, amending Section 5, House Bill No. 18, Chapter 400, Acts of the Forty-fourth Legislature, First Called Session, 1935, by removing the exemption provided by Article XIX of House Bill No. 8 in favor of business commonly known as gasoline filling stations, service stations or gasoline bulk stations or plants, repealing laws and parts of laws in conflict, and creating an emergency."

Referred to the Committee on Revenue and Taxation.

Mr. Stinson asked unanimous consent to introduce at this time, and have placed on first reading House Bill No. 1073.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Stinson:

H. B. No. 1073, A bill to be entitled "An Act to authorize and empower the Board of Insurance Commissioners of the State of Texas to promulgate a comprehensive rating plan for workmen's compensation and motor vehicle insurance in combination with other forms of insurance required or used in connection with the construction or operation of National Defense projects; authorizing the Board to promulgate rules and regulations incident thereto; providing that this Act shall be cumulative of existing laws and applicable only to insurance rates in relation to National Defense Projects; and declaring an emergency."

Referred to the Committee on Insurance.

ADDITIONAL SIGNERS OF HOUSE BILL NO. 1071

Unanimous consent of the House was given for any Member to sign House Bill No. 1071 as signer thereof.

MOTION TO INTRODUCE CERTAIN RESOLUTION

Mr. Davis moved to introduce the following resolution:

H. J. R. No. ———, Proposing an amendment to the Constitution of Texas by adding thereto a new section, to be known as Section 11a of Article VII, to authorize the Board of Regents of the University of Texas to issue bonds in a sum not exceeding One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) for the purpose of constructing a Cancer Hospital and Experimental Station to be operated under the control of the Board of Regents, and authorizing the payment of such bonds from a pledge of a sufficient portion of the funds accruing to the Permanent University Fund.

The motion was lost by the following vote:

Yeas—20

Davis	Lucas
Dove	McDonald
Fitzgerald	McGlasson
Fuchs	McMurry
Heflin	McNamara
Henderson	Rampy
Huddleston	Rhodes
Kinard	Roark
Knight	Smith of Bastrop
Lowry	Whitesides

Nays—90

Allen	Carlton
Allison	Carrington
Alsup	Cato
Avant	Chambers
Bailey	Coker
Baker	Connelly
Bell	Craig
Benton	Crossley
Brawner	Daniel
Bray	Deen
Bullock	Dickson of Bexar
Bundy	Dickson of Nolan
Burkett	Donald
Burnaman	Duckett

Ellis	Martin
Eubank	Matthews
Evans	Mills
Favors	Montgomery
Ferguson	Moore
Files	Morgan
Garland	Morris
Goodman	Morse
Halsey	Murray
Hargis	Pace
Harris of Dallas	Parker
Helpinstill	Phillips
Hileman	Price
Howington	Reed of Bowie
Hoyo	Reed of Dallas
Hughes	Ridgeway
Humphrey	Roberts
Hutchinson	Sallas
Jones	Senterfitt
Kennedy	Shell
King	Simpson
Klingeman	Skiles
Lehman	Spacek
Leyendecker	Spangler
Little	Thornton
Lock	Turner
Love	Voigt
McAlister	Walters
McCann	Wattner
McLellan	Weatherford
Manning	Winfree

Absent

Bean	Howard
Boone	Isaacks
Bridgers	Kelly
Brown	Lansberry
Clark	Lyle
Colson, Mrs.	Manford
Dwyer	Pevehouse
Gandy	Stanford
Gilmer	Stinson
Hanna	Taylor
Harris of Hill	Vale
Hartzog	White
Hobbs	

Absent—Excused

Blankenship	Kersey
Bruhl	Markle
Celaya	Nicholson
Cleveland	Sharpe
Crosthwait	Smith of Atascosa
Hardeman	Stubbs
Huffman	

MOTION TO INTRODUCE CERTAIN BILL

Mr. Hoyo moved to introduce the following bill:

H. B. No. —, A bill to be entitled "An Act amending Section 9, of Chapter 42, General Laws of the State of Texas, Second Called Session of the Forty-first Legislature, as amended by Section 10, of Chapter 282, Regular Session of the Forty-second Legislature, General Laws, by adding a new Section to be known as Section 9-a; providing for lighted flares to be placed upon highways during a certain period by commercial motor vehicles, truck tractors, trailers, or semi-trailers, or motor bus or wreckers, or any vehicle; providing a penalty; and declaring an emergency."

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—72

Allison	Kennedy
Avant	Kinard
Baker	Knight
Benton	Lehman
Brown	Leyendecker
Bullock	Lock
Bundy	Lowry
Burkett	Lucas
Burnaman	Lyle
Carrington	McDonald
Chambers	McLellan
Clark	Manford
Coker	Manning
Crossley	Matthews
Daniel	Mills
Davis	Montgomery
Dickson of Bexar	Morse
Dickson of Nolan	Pace
Donald	Pevehouse
Dove	Phillips
Duckett	Reed of Dallas
Dwyer	Ridgeway
Evans	Rhodes
Ferguson	Roark
Fuchs	Sallas
Garland	Smith of Bastrop
Harris of Dallas	Stanford
Harris of Hill	Taylor
Hartzog	Thornton
Hobbs	Turner
Hoyo	Vale
Huddleston	Walters
Humphrey	Wattner
Hutchinson	White
Jones	Whitesides
Kelly	Winfree

Nays—43

Alsup	Bailey
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Bray	McCann
Carlton	McGlasson
Craig	McMurry
Deen	McNamara
Ellis	Martin
Favors	Moore
Files	Morgan
Fitzgerald	Morris
Goodman	Murray
Halsey	Parker
Hargis	Price
Heflin	Rampy
Helpinstill	Rced of Bowie
Henderson	Roberts
Hileman	Senterfitt
Howington	Shell
Hughes	Skiles
King	Spangler
Klingeman	Voigt
Lansberry	Weatherford
Love	

Absent

Allen	Gandy
Bean	Gilmer
Bell	Hanna
Boone	Howard
Brawner	Isaacks
Bridgers	Little
Cato	McAlister
Colson, Mrs.	Simpson
Connelly	Spacek
Eubank	Stinson

Absent—Excused

Blankenship	Kersey
Bruhl	Markle
Celaya	Nicholson
Cleveland	Sharpe
Crosthwait	Smith of Atascosa
Hardeman	Stubbs
Huffman	

MESSAGE FROM THE SENATE

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has concurred in House amendments to Senate Bill No. 477 by the following vote: Viva voce.

Passed

H. B. No. 1065, A bill to be entitled "An Act providing that mutual life insurance companies and associations, operating under S. B. No. 135, Acts of the Regular Session of

the Forty-sixth Legislature, may with the approval of the Board of Insurance Commissioners place provisions in the policies issued providing for the payment of reduced benefits or the exclusion of coverage if death or injury occurs while the insured is engaged in military, naval, aerial service, etc.; and declaring an emergency."

H. B. No. 32, A bill to be entitled "An Act making it unlawful and a felony for any person to steal any mercury used in a gas meter or measuring device or regulating device, etc.; and declaring an emergency." (With amendments.)

H. B. No. 821, A bill to be entitled "An Act amending Article 4477 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Section 3 of S. B. No. 46, Chapter 41, page 116, Acts of the Fortieth Legislature, First Called Session, as amended by S. B. No. 20, Chapter 4, page 7, Acts of the Forty-first Legislature, First Called Session, relative to the registration of births and deaths; and declaring an emergency." (With amendments.)

Adopted

H. C. R. No. 189, Granting permission for each House to adjourn until Monday, June 2, 1941.

Passed

H. B. No. 214, A bill to be entitled "An Act amending Article 1036, Title 15, Chapter 2, of the Code of Criminal Procedure of 1925, as amended by Chapter 75, page 113, Acts of the Regular Session of the Fortieth Legislature, and by Chapter 143, page 239, of the Acts of the Regular Session of the Forty-second Legislature, providing for the payment of witness fees by the State of Texas; etc., and declaring an emergency."

H. B. No. 894, A bill to be entitled "An Act defining the jurisdiction of the County Court of Navarro County and diminishing its civil jurisdiction, etc.; and declaring an emergency."

H. B. No. 990, A bill to be entitled "An Act authorizing the Gulf Counties in Texas having a certain population to construct, acquire, improve,

operate, and maintain causeways, bridges, etc.; and declaring an emergency." (With amendments.)

H. B. No. 686, A bill to be entitled "An Act amending Section 1 of S. B. No. 203, Chapter 168 of the General Laws of the Regular Session of the Forty-second Legislature so as to authorize the State Parks Board to operate or grant concessions in State Parks and to operate concessions or make concession contracts for any causeway, etc.; and declaring an emergency."

H. B. No. 670, A bill to be entitled "An Act to establish and maintain an Agricultural Experiment Station for the development of dairy, poultry and truck crops in the Thirty-fifth District of Texas, etc.; and declaring an emergency." (With amendments.)

Adopted

S. C. R. No. 70, Declaring Legislative intent of H. B. No. 205.

Respectfully,

BOB BARKER,

Secretary of the Senate.

EXPRESSING LEGISLATIVE INTENT IN REGARD TO
CERTAIN BILL

Mr. Alsop offered the following resolution:

H. C. R. No. 191, Expressing Legislative Intent in Regard to House Bill No. 933, 46th Legislature.

Whereas, For many years school districts have made it a custom of transferring their scholastic enrollment to an adjoining district by contract where they found themselves unable to operate a satisfactory school and that teacher allowances in such contracted districts were made on the basis of the teacher-pupil load, and

Whereas, It has also been a recognized practice for districts to employ Jeans supervising teachers who would be attached to any district desiring to employ such teachers on the basis of authorized teacher-pupil load and such teacher serve other districts in the county as well as the said district, and

Whereas, Supervising agriculture teachers having been approved as being attached to a district in a

similar manner as the Jeans supervising teacher, and that all these approved practices have been in operation for several years; now, therefore,

Be It Resolved by the House of Representatives, the Senate concurring, That it is the intent of the Legislature that Section 4 of House Bill No. 933, Acts of the Forty-sixth Legislature, authorized salary allowances for not to exceed the teachers actually employed in districts operating schools and that such salary allowances be made in schools that did not operate but that contracted to another school on the basis of the teacher-pupil load, and that salary allowances in districts desiring to employ Jeans supervising teachers in colored schools and supervising agriculture teachers in colored schools be authorized under the teacher-pupil load and be assigned at the discretion of the school authorities. It is also the intent of the Legislature that transportation aid authorized under Section 10 of House Bill No. 933 be paid on the basis of recognizing the entire county as a unit and that such unit be taken into consideration in calculating the amount of transportation approved for the individual districts or the county as a whole.

The resolution was read second time and was adopted.

EXPRESSING LEGISLATIVE INTENT IN REGARD TO
CERTAIN BILL

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 70, Expressing Legislative Intent in Regard to House Bill No. 205.

Whereas, House Bill No. 205, which transfers the administration of the Certificate of Title Act passed by the Regular Session of the 47th Legislature from the Department of Public Safety to the Texas Highway Department, was passed unanimously by both Houses of this Legislature and signed by the Governor of Texas on May 2, 1941; and

Whereas, By the passage of House

Bill No. 205 it was the intention of this Legislature that the administration of the Act be immediately taken over and carried on by the Texas Highway Department, and to make available to the Texas Highway Department for its immediate use in paying salaries and all other costs and expenses necessary to such administration all of the fees collected by the Texas Highway Department for the issuance of certificates of title thereunder; and

Whereas, There is some question as to the immediate use of such funds appropriated to the Texas Highway Department under the provisions of the bill;

Now, Therefore, Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring, That it was the intent and purpose of the Legislature by the passage of said bill that all revenues accruing to the State Highway Fund under the terms of House Bill No. 205 be immediately available to the State Highway Department for its use in the payment of salaries and all other expenses necessary to the proper administration of the Act, and the Comptroller of Public Accounts of the State of Texas, is hereby requested to issue warrants against said funds upon the presentation of proper vouchers by the Texas Highway Department covering salaries and all other expenses from and after the effective date of House Bill No. 205.

The resolution was read second time and was adopted.

Mr. Howington moved a call of the House for the purpose of securing a quorum and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas, 75; nays, 42.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

Yeas—73

Allison	Howington
Avant	Hoyo
Baker	Huddleston
Bell	Isaacks
Benton	Lehman
Boone	Leyendecker
Bray	Little
Bridgers	Love
Brown	Lowry
Bundy	Lucas
Burkett	McCann
Burnaman	McDonald
Carrington	McLellan
Cato	Manning
Coker	Matthews
Colson, Mrs.	Mills
Connelly	Montgomery
Crossley	Moore
Daniel	Morse
Davis	Murray
Deen	Pace
Dickson of Bexar	Pevehouse
Donald	Price
Dove	Rampy
Duckett	Reed of Bowie
Evans	Reed of Dallas
Favors	Ridgeway
Ferguson	Roark
Fuchs	Roberts
Goodman	Sallas
Hargis	Skiles
Harris of Hill	Smith of Bastrop
Heflin	Stanford
Helpinstill	White
Hileman	Whitesides
Hobbs	Winfree
Howard	

Nays—44

Alsup	Kennedy
Bailey	Kinard
Bean	King
Brawner	Klingeman
Bullock	Knight
Carlton	Lock
Craig	Lyle
Dickson of Nolan	McAlister
Dwyer	McGlasson
Ellis	McMurry
Eubank	McNamara
Files	Martin
Fitzgerald	Morris
Gandy	Parker
Garland	Phillips
Halsey	Senterfitt
Henderson	Thornton
Hughes	Turner
Humphrey	Vale
Hutchinson	Voigt
Jones	Walters
Kelly	Wattner

Absent	
Allen	Morgan
Chambers	Rhodes
Clark	Shell
Gilmer	Simpson
Hanna	Spacek
Harris of Dallas	Spangler
Hartzog	Stinson
Lansberry	Taylor
Manford	Weatherford

Absent—Excused	
Blankenship	Kersey
Bruhl	Markle
Celaya	Nicholson
Cleveland	Sharpe
Crosthwait	Smith of Atascosa
Hardeman	Stubbs
Huffman	

The Speaker announced that the motion for the call of the House prevailed.

CONSIDERATION OF HOUSE BILL NO. 753 WITH VETO OF THE GOVERNOR

Mr. Heflin moved to pass, at this time, House Bill No. 753, notwithstanding the veto of the Governor,

H. B. No. 753, A bill to be entitled "An Act amending subsection (n), Section 19, Chapter 482, Acts of the 44th Legislature, Third Called Session, as amended in subsection (n), Section 19, Chapter 67, Acts of the 45th Legislature, as amended in subsection (o), Section 19, Senate Bill No. 21, Acts of the 46th Legislature, to define the term 'wages' as being exclusive of gratuities, including tips; and declaring an emergency."

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—78	
Allen	Cato
Allison	Clark
Alsup	Coker
Bell	Colson, Mrs.
Benton	Connelly
Brawner	Daniel
Bray	Dickson of Nolan
Bridgers	Donald
Brown	Dwyer
Bundy	Ellis
Carlton	Evans
Carrington	Files

Fitzgerald	McAlister
Gandy	McDonald
Garland	McGlasson
Gilmer	McNamara
Halsey	Manning
Hanna	Mills
Hargis	Montgomery
Harris of Dallas	Moore
Hartzog	Morris
Heflin	Morse
Helpinstill	Pevehouse
Henderson	Phillips
Hileman	Reed of Dallas
Howard	Ridgeway
Howington	Roark
Hoyo	Shell
Huddleston	Spangler
Hughes	Stanford
Humphrey	Stinson
Isaacks	Taylor
Jones	Turner
Kelly	Vale
Lansberry	Walters
Leyendecker	Wattner
Little	Weatherford
Lock	Whitesides
Lyle	Winfree

Nays—49

Avant	Lehman
Bailey	Love
Baker	Lowry
Boone	Lucas
Bullock	McCann
Burkett	McMurry
Chambers	Martin
Craig	Matthews
Crossley	Morgan
Davis	Pace
Dickson of Bexar	Parker
Dove	Price
Duckett	Rampy
Eubank	Reed of Bowie
Favors	Rhodes
Ferguson	Roberts
Fuchs	Sallas
Goodman	Senterfitt
Harris of Hill	Simpson
Hobbs	Smith of Bastrop
Hutchinson	Spacek
Kennedy	Thornton
King	Voigt
Klingeman	White
Knight	

Absent

Bean	McLellan
Burnaman	Manford
Deen	Murray
Kinard	Skiles

Absent—Excused

Blankenship	Kersey
Bruhl	Markle
Celaya	Nicholson
Cleveland	Sharpe
Crosthwait	Smith of Atascosa
Hardeman	Stubbs
Huffman	

Mr. McMurry moved to reconsider the vote by which House Bill No. 753 failed to pass notwithstanding the veto of the Governor and asked to have the motion to reconsider spread on the Journal.

Mr. Love called the motion to reconsider from the Journal and moved to table the motion to reconsider.

The motion to table was lost.

Mr. Hartzog moved to postpone further consideration of the motion to reconsider until the next Legislative day.

Mr. Love moved as a substitute motion that further consideration of the motion to reconsider be postponed until next June 10.

On motion of Mr. Hartzog, the substitute motion to postpone, was tabled.

Mr. Love moved to postpone further consideration of House Bill No. 753 until 11:00 o'clock a. m., next Wednesday.

The motion prevailed.

HOUSE BILL NO. 268 ON THIRD READING

Mr. Cato moved that the necessary rules be suspended, for the purpose of taking up and considering, at this time, House Bill No. 268.

The motion prevailed.

The Speaker then laid before the House, on its third reading and final passage,

H. B. No. 268, A bill to be entitled "An Act to provide for the establishment of a State Cancer Hospital for the treatment of cancer and allied diseases and shall be known as the Clyde F. Lingo Memorial Hospital for Cancer; and providing herein the Governor of the State of Texas shall appoint a Cancer Commission of three (3) citizens of the State

and their appointments shall be four (4) years; and providing herein for the appointment of an Administrator and a staff to conduct said Cancer Hospital; and their appointments shall be for four (4) years, etc.; and declaring an emergency."

The bill was read third time.

Mr. McAlister moved that further consideration of House Bill No. 268 be postponed until 11:00 o'clock a. m., next June 6.

On motion of Mr. Cato, the motion to postpone was tabled.

(Mr. McNamara in the Chair.)

Mr. Hartzog moved the previous question on the final passage of House Bill No. 268, and the main question was ordered.

(Speaker in the Chair.)

House Bill No. 268 was then passed by the following vote:

Yeas—89

Allen	Halsey
Allison	Harris of Hill
Avant	Hartzog
Bailey	Heflin
Baker	Henderson
Bean	Hileman
Bell	Hobbs
Boone	Howard
Brown	Hoyo
Burkett	Huddleston
Burnaman	Hughes
Carrington	Humphrey
Cato	Hutchinson
Chambers	Isaacks
Coker	Kennedy
Colson, Mrs.	Knight
Connelly	Leyendecker
Crossley	Little
Daniel	Lock
Davis	Love
Deen	Lowry
Dickson of Bexar	Lucas
Donald	Lyle
Dove	McCann
Duckett	McDonald
Dwyer	McLellan
Ellis	McMurry
Evans	Manning
Favors	Matthews
Ferguson	Montgomery
Files	Moore
Fuchs	Morse
Gilmer	Pace
Goodman	Pevehouse

Phillips	Skiles
Price	Spacek
Reed of Bowie	Spangler
Reed of Dallas	Stinson
Ridgeway	Taylor
Rhodes	Turner
Roark	Vale
Sallas	White
Senterfitt	Whitesides
Shell	Winfree
Simpson	

Nays—39

Alsup	Lansberry
Benton	Lehman
Brawner	McAlister
Bray	McGlasson
Bridgers	McNamara
Bullock	Manford
Craig	Martin
Clark	Mills
Dickson of Nolan	Morris
Eubank	Murray
Fitzgerald	Parker
Hanna	Rampy
Hargis	Roberts
Harris of Dallas	Smith of Bastrop
Helpinstill	Stanford
Howington	Voigt
Kelly	Walters
Kinard	Wattner
King	Weatherford
Klingeman	

Present—Not Voting

Carlton	Thornton
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Absent

Bundy	Jones
Gandy	Morgan
Garland	

Absent—Excused

Blankenship	Kersey
Bruhl	Markle
Celaya	Nicholson
Cleveland	Sharpe
Crosthwait	Smith of Atascosa
Hardeman	Stubbs
Huffman	

PAIRED

Mr. Thornton, (present), who would vote "nay," with Mr. Markle (absent), who would vote "yea."

Mr. Carlton (present), who would vote "nay," with Mr. Nicholson (absent), who would vote "yea."

Mr. Cato moved to reconsider the vote by which the bill was passed

and to table the motion to reconsider.

The motion to table prevailed.

CONSIDERATION OF CONFERENCE REPORT ON SENATE BILL NO. 402

The Speaker laid before the House, as pending business for consideration, at this time, the Conference Committee report on Senate Bill No. 402.

The report having been printed in the Journal on May 22.

Mr. Hartzog moved to postpone further consideration of the Conference report until 5:00 o'clock p. m., today.

Mr. Morris moved to table the motion to postpone.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—58

Allison	Kelly
Alsup	Kennedy
Bailey	Kinard
Benton	Klingeman
Brawner	Knight
Bridgers	Lansberry
Brown	Lehman
Bullock	Little
Burnaman	Lock
Carlton	McAlister
Chambers	McDonald
Colson, Mrs.	McGlasson
Craig	McLellan
Dickson of Nolan	McNamara
Duckett	Morgan
Eubank	Morris
Evans	Parker
Fitzgerald	Phillips
Garland	Reed of Dallas
Gilmer	Ridgeway
Halsey	Roberts
Hanna	Sallas
Hargis	Senterfitt
Harris of Dallas	Skiles
Helpinstill	Smith of Bastrop
Hileman	Vale
Hoyo	Voigt
Humphrey	Wattner
Hutchinson	Whitesides

Nays—67

Avant	King
Baker	Love
Bean	Lowry
Bell	Lucas
Boone	Lyle
Bray	McCann
Bundy	McMurry
Burkett	Manford
Carrington	Manning
Cato	Martin
Coker	Matthews
Connelly	Mills
Crossley	Montgomery
Daniel	Moore
Davis	Morse
Deen	Murray
Dickson of Bexar	Pace
Donald	Pevehouse
Dove	Price
Dwyer	Rampy
Ellis	Reed of Bowie
Favors	Rhodes
Ferguson	Roark
Fuchs	Simpson
Goodman	Spacek
Harris of Hill	Stanford
Hartzog	Stinson
Henderson	Taylor
Hobbs	Thornton
Howard	Turner
Howington	Weatherford
Huddleston	White
Hughes	Winfree
Isaacks	

Absent

Allen	Jones
Clark	Leyendecker
Files	Shell
Gandy	Spangler
Heflin	Walters

Absent—Excused

Blankenship	Kersey
Bruhl	Markle
Celaya	Nicholson
Cleveland	Sharpe
Crosthwait	Smith of Atascosa
Hardeman	Stubbs
Huffman	

Mr. Morris raised a point of order on further consideration of the motion to postpone at this time, on the ground that the motion violates Section 3 of Rule XXIV of the House Rules and requires a two-thirds vote.

The Speaker overruled the point of order.

Mr. Reed of Dallas, withdrew the Conference report at this time.

Mr. Carlton moved that the House adjourn until 10:00 o'clock a. m. next Monday.

The motion was lost.

TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

H. C. R. No. 166, To grant Mrs. Woodie Spore permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was adopted by the following vote:

Yeas—110

Allen	Fitzgerald
Allison	Fuchs
Alsup	Garland
Bailey	Gilmer
Baker	Goodman
Bean	Halsey
Bell	Hanna
Benton	Hargis
Boone	Harris of Dallas
Brawner	Hartzog
Bray	Heflin
Bridgers	Helpinstill
Bullock	Hileman
Bundy	Hobbs
Carrington	Howard
Cato	Hoyo
Chambers	Huddleston
Clark	Hughes
Coker	Humphrey
Colson, Mrs.	Hutchinson
Connelly	Isaacks
Crossley	Jones
Daniel	Kelly
Deen	Kennedy
Dickson of Bexar	Kinard
Dickson of Nolan	King
Donald	Klingeman
Duckett	Knight
Dwyer	Lansberry
Ellis	Lehman
Evans	Little
Ferguson	Lowry
Files	Lucas

Lyle	Ridgeway
McAlister	Rhodes
McDonald	Roark
McLellan	Roberts
Manford	Sallas
Manning	Senterfitt
Martin	Shell
Matthews	Simpson
Mills	Smith of Bastrop
Montgomery	Spacek
Moore	Spangler
Morgan	Stanford
Morris	Stinson
Morse	Taylor
Murray	Thornton
Pace	Turner
Parker	Vale
Pevehouse	Walters
Price	Wattner
Rampy	White
Reed of Bowie	Whitesides
Reed of Dallas	Winfree

Nays—5

Craig	Howington
Davis	Love

Favors

Present—Not Voting

Harris of Hill

Absent

Avant	Lock
Brown	McCann
Burkett	McGlasson
Burnaman	McMurry
Carlton	McNamara
Dove	Phillips
Eubank	Skiles
Gandy	Voigt
Henderson	Weatherford
Leyendecker	

Absent—Excused

Blankenship	Kersey
Bruhl	Markle
Celaya	Nicholson
Cleveland	Sharpe
Crosthwait	Smith of Atascosa
Hardeman	Stubbs
Huffman	

TO GRANT PERMISSION TO SUE
THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

H. C. R. No. 172, To grant R. W. Dillard and wife permission to sue the State.

The resolution having heretofore

been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted by the following vote:

Yeas—117

Alsup	Hoyo
Avant	Huddleston
Bailey	Hughes
Baker	Humphrey
Bean	Hutchinson
Bell	Isaacks
Benton	Jones
Boone	Kelly
Brawner	Kennedy
Bray	Kinard
Bridgers	Klingeman
Bullock	Knight
Bundy	Lansberry
Burkett	Lehman
Carlton	Little
Carrington	Lock
Cato	Love
Chambers	Lowry
Coker	Lucas
Colson, Mrs.	Lyle
Connelly	McAlister
Craig	McCann
Crossley	McDonald
Daniel	McGlasson
Deen	McLellan
Dickson of Bexar	McNamara
Dickson of Nolan	Manford
Donald	Manning
Dove	Martin
Duckett	Matthews
Dwyer	Mills
Ellis	Moore
Evans	Morgan
Favors	Morris
Ferguson	Morse
Files	Murray
Fitzgerald	Parker
Fuchs	Pevehouse
Garland	Phillips
Gilmer	Price
Goodman	Rampy
Halsey	Reed of Bowie
Hanna	Reed of Dallas
Hargis	Ridgeway
Harris of Dallas	Rhodes
Harris of Hill	Roark
Hartzog	Roberts
Helpinstill	Sallas
Hileman	Senterfitt
Hobbs	Simpson
Howard	Skiles
Howington	Smith of Bastrop

Spacek	Walters
Stinson	Wattner
Taylor	Weatherford
Thornton	White
Turner	Whitesides
Vale	Winfree
Voigt	

Nays—1

Davis

Absent

Allen	King
Allison	Leyendecker
Brown	McMurry
Burnaman	Montgomery
Clark	Pace
Eubank	Shell
Gandy	Spangler
Heflin	Stanford
Henderson	

Absent—Excused

Blankenship	Kersey
Bruhl	Markle
Celaya	Nicholson
Cleveland	Sharpe
Crosthwait	Smith of Atascosa
Hardeman	Stubbs
Huffman	

SENATE BILL NO. 163 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 163, A bill to be entitled "An Act providing for the regulating appropriations from moneys in the State Treasury not otherwise appropriated, to supplement local funds for the support, maintenance, operation, and improvement of the Public Junior Colleges of Texas, etc.; and declaring an emergency."

The bill was read third time.

Mr. Lansberry offered the following amendment to the bill:

Amend Senate Bill No. 163 by adding after the words Public Junior Colleges wherever they appear the following:

"and/or all affiliated High Schools."

Mr. Matthews raised a point of order on further consideration of the amendment at this time, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Lyle moved the previous question on the final passage of Senate Bill No. 163 and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—76

Allen	Hughes
Allison	Isaacks
Alsup	Knight
Avant	Lehman
Baker	Little
Bean	Love
Benton	Lowry
Boone	Lucas
Bundy	McCann
Burkett	McLellan
Carrington	McMurry
Cato	Manford
Coker	Manning
Connelly	Martin
Crossley	Matthews
Daniel	Mills
Davis	Montgomery
Dickson of Bexar	Moore
Donald	Morse
Dove	Pace
Duckett	Price
Dwyer	Reed of Bowie
Favors	Ridgeway
Ferguson	Rhodes
Fuchs	Roark
Garland	Sallas
Goodman	Shell
Hargis	Simpson
Harris of Hill	Smith of Bastrop
Hartzog	Spacek
Heflin	Spangler
Helpinstill	Stanford
Henderson	Stinson
Hileman	Turner
Hobbs	Vale
Howington	Weatherford
Hoyo	White
Huddleston	Winfree

Nays—46

Bailey	Chambers
Bell	Colson, Mrs.
Brawner	Craig
Bray	Deen
Bullock	Dickson of Nolan
Burnaman	Eubank
Carlton	Fitzgerald

Gilmer	Morgan
Halsey	Morris
Hanna	Murray
Harris of Dallas	Parker
Howard	Phillips
Humphrey	Rampy
Kelly	Reed of Dallas
Kennedy	Roberts
King	Senterfitt
Klingeman	Skiles
Lansberry	Taylor
Lock	Thornton
McAlister	Voigt
McDonald	Walters
McGlasson	Wattner
McNamara	Whitesides

Absent

Bridgers	Hutchinson
Brown	Jones
Clark	Kinard
Ellis	Leyendecker
Evans	Lyle
Files	Pevehouse
Gandy	

Absent—Excused

Blankenship	Kersey
Bruhl	Markle
Celaya	Nicholson
Cleveland	Sharpe
Crosthwait	Smith of Atascosa
Hardeman	Stubbs
Huffman	

Senate Bill No. 163 was then passed by the following vote:

Yeas—81

Alsup	Evans
Baker	Favors
Bean	Ferguson
Bell	Fuchs
Boone	Goodman
Bray	Hargis
Bundy	Harris of Hill
Burkett	Hartzog
Burnaman	Heflin
Carrington	Henderson
Cato	Hileman
Coker	Hobbs
Connelly	Howard
Crossley	Howington
Daniel	Hoyo
Davis	Huddleston
Dickson of Bexar	Kinard
Donald	Klingeman
Dove	Knight
Duckett	Lehman
Dwyer	Little
Ellis	Love

Lowry	Ridgeway
Lucas	Rhodes
Lyle	Roark
McCann	Sallas
McLellan	Sharpe
McMurry	Shell
McNamara	Simpson
Manford	Skiles
Manning	Smith of Bastrop
Martin	Spacek
Matthews	Spangler
Mills	Stinson
Montgomery	Taylor
Moore	Vale
Morse	Walters
Pace	Weatherford
Pevehouse	White
Price	Winfree
Reed of Bowie	

Nays—46

Allen	Hutchinson
Allison	Kelly
Avant	Kennedy
Bailey	King
Benton	Lansberry
Brawner	Lock
Bullock	McAlister
Carlton	McDonald
Chambers	McGlasson
Clark	Morgan
Colson, Mrs.	Morris
Craig	Murray
Eubank	Parker
Files	Phillips
Fitzgerald	Rampy
Garland	Reed of Dallas
Gilmer	Roberts
Halsey	Senterfitt
Hanna	Stanford
Harris of Dallas	Thornton
Helpinstill	Voigt
Hughes	Wattner
Humphrey	Whitesides

Present—Not Voting

Bridgers	Deen
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Absent

Brown	Jones
Dickson of Nolan	Leyendecker
Gandy	Turner
Isaacks	

Absent—Excused

Blankenship	Huffman
Bruhl	Kersey
Celaya	Markle
Cleveland	Nicholson
Crosthwait	Smith of Atascosa
Hardeman	Stubbs

PAIRED

Mr. Deen (present), who would vote "nay," with Mr. Bruhl (absent), who would vote "yea."

Mr. Bridgers (present), who would vote "nay," with Mr. Harde-
man (absent), who would vote "yea."

Mr. Hartzog moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—78

Allen	Knight
Alsup	Little
Baker	Love
Bean	Lowry
Bell	Lucas
Boone	Lyle
Bray	McCann
Bundy	McLellan
Burkett	McMurry
Burnaman	McNamara
Carrington	Manford
Cato	Manning
Coker	Martin
Connelly	Matthews
Crossley	Mills
Daniel	Montgomery
Davis	Moore
Dickson of Bexar	Morse
Donald	Pace
Dove	Pevehouse
Duckett	Price
Dwyer	Rampy
Ellis	Reed of Bowie
Evans	Ridgeway
Favors	Rhodes
Ferguson	Roark
Fuchs	Sallas
Goodman	Shell
Hargis	Simpson
Harris of Hill	Smith of Bastrop
Hartzog	Spacek
Heflin	Spangler
Henderson	Stinson
Hobbs	Taylor
Howington	Turner
Hoyo	Vale
Huddleston	Weatherford
Isaacks	White
Kinard	Winfree

Nays—43

Allison	Kelly
Avant	Kennedy
Bailey	King
Benton	Lansberry
Brawner	Lehman
Carlton	Lock
Clark	McAlister
Colson, Mrs.	McGlasson
Craig	Morgan
Deen	Morris
Dickson of Nolan	Murray
Eubank	Parker
Files	Phillips
Fitzgerald	Reed of Dallas
Gilmer	Roberts
Halsey	Senterfitt
Hanna	Stanford
Harris of Dallas	Thornton
Helpinstill	Voigt
Hileman	Wattner
Hughes	Whitesides
Humphrey	

Absent

Bridgers	Hutchinson
Brown	Jones
Bullock	Klingeman
Chambers	Leyendecker
Gandy	McDonald
Garland	Skiles
Howard	Walters

Absent—Excused

Blankenship	Kersey
Bruhl	Markle
Celaya	Nicholson
Cleveland	Sharpe
Crosthwait	Smith of Atascosa
Hardeman	Stubbs
Huffman	

CONSIDERATION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 402

Mr. Reed of Dallas called up for consideration, at this time, the Conference Committee report on Senate Bill No. 402.

The report having been printed in the Journal on May 22.

Mr. Reed of Dallas moved that the Conference report be adopted.

(Mr. Roark in the Chair.)

Mr. McGlasson moved as a substitute motion that the Conference report be not adopted and that a new Conference Committee be requested

to adjust the differences between the two Houses.

Mr. Hartzog moved the previous question on the pending motions on the Conference report on Senate Bill No. 402 and the main question was ordered.

Question recurring on the substitute motion by Mr. McGlasson that the Conference report be not adopted and that a new Conference Committee be requested to adjust the differences between the two Houses, it prevailed.

Mr. McGlasson moved to reconsider the vote by which the substitute motion was adopted and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas, 59; nays, 62.

A verification of the vote was requested.

Mr. Love moved a call of the House pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

Yeas—57

Baker	Heflin
Bridgers	Henderson
Bundy	Hileman
Burkett	Hobbs
Cato	Howington
Chambers	Hoyo
Clark	Huddleston
Coker	Humphrey
Connelly	King
Crossley	Lansberry
Davis	Lowry
Deen	McAlister
Dickson of Nolan	McGlasson
Donald	McLellan
Dove	McMurry
Duckett	McNamara
Dwyer	Manning
Ellis	Martin
Evans	Matthews
Favors	Mills
Files	Moore
Fitzgerald	Price
Fuchs	Rampy

Ridgeway
Rhodes
Sallas
Senterfitt
Spacek
Voigt

Wattner
Weatherford
White
Whitesides
Winfree

Nays—61

Allison	Klingeman
Alsup	Knight
Avant	Lehman
Bailey	Leyendecker
Bell	Little
Benton	Lock
Boone	Love
Bray	Lucas
Bullock	Lyle
Burnaman	McCann
Carlton	Manford
Carrington	Montgomery
Craig	Morgan
Daniel	Morris
Dickson of Bexar	Morse
Eubank	Murray
Ferguson	Pace
Gilmer	Parker
Goodman	Reed of Bowie
Halsey	Reed of Dallas
Hanna	Roberts
Hargis	Simpson
Harris of Dallas	Skiles
Harris of Hill	Smith of Bastrop
Hartzog	Stanford
Helpinstill	Stinson
Hughes	Taylor
Isaacks	Thornton
Jones	Vale
Kelly	Walters
Kennedy	

Absent

Allen	Hutchinson
Bean	Kinard
Brawner	McDonald
Brown	Pevehouse
Colson, Mrs.	Phillips
Gandy	Shell
Garland	Spangler
Howard	Turner

Absent—Excused

Blankenship	Kersey
Bruhl	Markle
Celaya	Nicholson
Cleveland	Sharpe
Crosthwait	Smith of Atascosa
Hardeman	Stubbs
Huffman	

The Chair announced that the motion to table the motion to reconsider was lost.

Question then recurring on the motion to reconsider the vote by which the substitute motion by Mr. McGlasson prevailed.

The motion to reconsider was lost.

(Speaker in the Chair.)

HOUSE BILL NO. 1066 ON
SECOND READING

(By Unanimous Consent)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1066, A bill to be entitled "An Act making an appropriation of the sum of One Hundred and Fifty Thousand (\$150,000) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 1066 ON
THIRD READING

Mr. Alsop moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 1066 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Allison	Coker
Alsop	Colson, Mrs.
Avant	Connelly
Bailey	Crossley
Baker	Daniel
Bell	Davis
Benton	Deen
Bray	Dickson of Bexar
Bridgers	Dickson of Nolan
Bullock	Donald
Bundy	Dove
Burkett	Duckett
Burnaman	Dwyer
Carlton	Ellis
Carrington	Evans
Chambers	Ferguson
Clark	Files

Fitzgerald	McNamara
Fuchs	Manford
Garland	Manning
Gilmer	Martin
Goodman	Matthews
Hanna	Mills
Hargis	Montgomery
Harris of Dallas	Moore
Harris of Hill	Morgan
Hartzog	Morris
Heflin	Morse
Helpinstill	Murray
Henderson	Pace
Hileman	Parker
Hobbs	Price
Howard	Rampy
Howington	Reed of Bowie
Hoyo	Reed of Dallas
Huddleston	Ridgeway
Hughes	Rhodes
Humphrey	Roark
Isaacks	Roberts
Jones	Sallas
Kelly	Senterfitt
Kennedy	Shell
Kinard	Simpson
Klingeman	Skiles
Knight	Smith of Bastrop
Lehman	Stanford
Leyendecker	Stinson
Little	Taylor
Lock	Thornton
Love	Vale
Lowry	Voigt
Lucas	Walters
McAlister	Wattner
McDonald	Weatherford
McGlasson	White
McMurry	Winfree

Nays—10

Cato	Lansberry
Craig	Lyle
Eubank	McCann
Favors	McLellan
Halsey	Spacek

Present—Not Voting

Boone

Absent

Allen	King
Bean	Pevehouse
Brawner	Phillips
Brown	Spangler
Gandy	Turner
Hutchinson	Whitesides

Absent—Excused

Blankenship	Cleveland
Bruhl	Crothwait
Celaya	Hardeman

Huffman
Kersey
Markle
Nicholson

Sharpe
Smith of Atascosa
Stubbs

The Speaker then laid House Bill No. 1066 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—113

Allison	Howard
Alsup	Howington
Avant	Hoyo
Bailey	Huddleston
Baker	Hughes
Bell	Humphrey
Benton	Isaacks
Bray	Jones
Bridgers	Kelly
Bullock	Kennedy
Bundy	Kinard
Burkett	Klingeman
Burnaman	Knight
Carlton	Lehman
Carrington	Leyendecker
Chambers	Little
Clark	Lock
Coker	Love
Colson, Mrs.	Lowry
Connelly	Lucas
Crossley	McAlister
Daniel	McDonald
Davis	McGlasson
Deen	McMurry
Dickson of Bexar	McNamara
Dickson of Nolan	Manford
Donald	Manning
Dove	Martin
Duckett	Matthews
Dwyer	Mills
Ellis	Montgomery
Evans	Moore
Ferguson	Morgan
Files	Morris
Fitzgerald	Morse
Fuchs	Murray
Garland	Pace
Gilmer	Parker
Goodman	Price
Hanna	Rampy
Hargis	Reed of Bowie
Harris of Dallas	Reed of Dallas
Harris of Hill	Ridgeway
Hartzog	Rhodes
Heflin	Roark
Helpinstill	Roberts
Henderson	Sallas
Hileman	Senterfitt
Hobbs	Shell

Simpson
Skiles
Smith of Bastrop
Stanford
Stinson
Taylor
Thornton

Vale
Voigt
Walters
Wattner
Weatherford
White
Winfree

Nays—10

Cato	Lansberry
Craig	Lyle
Eubank	McCann
Favors	McLellan
Halsey	Spacek

Present—Not Voting

Boone

Absent

Allen	King
Bean	Pevehouse
Brawner	Phillips
Brown	Spangler
Gandy	Turner
Hutchinson	Whitesides

Absent—Excused

Blankenship	Kersey
Bruhl	Markle
Celaya	Nicholson
Cleveland	Sharpe
Crosthwait	Smith of Atascosa
Hardeman	Stubbs
Huffman	

MESSAGE FROM THE SENATE

Austin, Texas, May 29, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 103, A bill to be entitled "An Act to authorize housing authorities to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities, who would not otherwise be able to secure such dwellings within the vicinity thereof, etc.; and declaring an emergency."

Senate adopted Conference Committee Report on House Joint Resolution No. 24 by the following vote:

Yeas, 29; nays, 0. (Conference Report attached.)

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILL ON FIRST
READING

The following Senate bill received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

S. B. No. 103, to the Committee on State Affairs.

BILLS AND RESOLUTIONS SIGNED
BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally the following enrolled bills and resolutions:

S. B. No. 70, "An Act to amend Section 8 of House Bill No. 440, Regular Session, 45th Legislature, Acts of 1937, Chapter 169, providing for the exemption for prescribing, administering, dispensing or selling at retail certain specified medicinal preparations, etc.; and declaring an emergency."

S. B. No. 276, "An Act granting permission to Thomas H. Fort to file and prosecute suit against the State of Texas and the State Highway Commission to ascertains and fix the amount, if any, due said Thomas H. Fort for damages alleged to have been sustained by reason of the construction, etc.; and declaring an emergency."

S. B. No. 462, "An Act granting permission to Mount Olivet Cemetery Company, a private corporation chartered under the laws of this State, and to bring and prosecute suit against the State of Texas in any court of competent jurisdiction in Tarrant County, Texas, etc.; and declaring an emergency."

S. B. No. 482, "An Act authorizing Commissioners' Courts in certain counties to formulate a general personnel system and rules and regulations covering hours of work, etc.; and declaring an emergency."

H. B. No. 7, "An Act to aid the City of Port Lavaca in constructing and maintaining revetments, and in the restoring, protection and improvement of the harbor and bay shore front of the City of Port Lavaca, and for the purchase, by condemnation or otherwise, of all lands necessary for said bay shore front and harbor improvements, all for public use, by donating to said City of Port Lavaca the ad valorem taxes to be collected by the State of Texas on all property and from all persons owning property situated in Calhoun County, State of Texas, for a period of twenty years, and to authorize said city to issue bonds for the purposes mentioned, and to provide a penalty for the misappropriation of funds raised therefor; and to declare an emergency."

S. B. No. 187, "An Act to facilitate the cooperation of this State with other units of government, determining the membership of the Board, and establishing the Texas Commission on Interstate Cooperation, etc.; and declaring an emergency."

H. B. No. 1065, "An Act providing that mutual life insurance companies and associations operating under Senate Bill No. 135, Acts of the Regular Session of the Forty-sixth Legislature, may with the approval of the Board of Insurance Commissioners place provisions in the policies issued providing for the payment of reduced benefits or the exclusion of coverage if death or injury occurs while the insured is engaged in military, naval, aerial service or aerial flight in time of peace or war; or while engaged in certain hazardous occupations to be named in the policies; or if death or injury is caused by mob violence or legal execution; and providing for reducing or excluding benefits for sickness from certain named causes; providing a savings clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 73, "An Act amending Article 802 of the Penal Code of Texas, as amended by Acts of the Second Called Session of the Legislature in 1923, as amended by Acts of 1935, 44th Legislature, First Called Ses-

sion, Chapter 424, as amended by Acts of 1937, 45th Legislature, Chapter 60, providing that any person who drives or operates an automobile or other motor vehicle upon any public road or highway, or upon any street or alley within the limits of an incorporated city, town or village, while such person is intoxicated or in any degree under the influence of intoxicating liquors, shall be guilty of a misdemeanor, reducing the maximum penalty provided in said article from a penitentiary offense to a jail sentence, and increasing the minimum penalty thereof; and providing further that if such drunken driver shall be the cause of an accident whereby the death of another person shall be caused, he shall be guilty of a felony, and upon conviction he shall be confined in the penitentiary for not less than one year nor more than five years; and declaring an emergency."

H. B. No. 214, "An Act amending Article 1036, Title 15, Chapter 2, of the Code of Criminal Procedure of 1925, as amended by Chapter 75, Acts of the Regular Session of the Fortieth Legislature, and by Chapter 143 of the Acts of the Regular Session of the Forty-second Legislature, providing for the payment of witness fees by the State of Texas; prescribing the procedure to be followed in the payment thereof; and declaring an emergency."

H. C. R. No. 183, Authorizing certain correction in House Bill No. 73.

H. C. R. No. 189, Providing for certain Adjournment Period.

TO COMMEMORATE MEMORIAL DAY

Whereas, The 30th day of May has been designated and dedicated as a day of tribute and memories—a day when Americans meet in the hallowed past and hold communion with our honored dead; and

Whereas, It is a day unmarked by the disorder and confusion common enough with our people in their holiday moods; and

Whereas, Its designation sprang from the grieved heart of the nation after the War Between the States and its observance should be followed by us as an acknowledgment of an incalculable debt; and

Whereas, It should impress upon us that to live long, purposeless, neutral years is nothing, but to live a few glorious hours, to bravely face the Infinite and to calmly meet the Master in humanity's cause, is sublime;

Therefore, I move, Mr. Speaker, That when the House stands adjourned today that it do so in honor of and out of respect to those who made the supreme sacrifice in order to preserve and maintain a democracy in responsibility and a people to whom we can appeal for protection of person and property when agitators would make vicious the unstable and to deliver us from those who seek to guide government by policies which find their origin in the expediencies of the next election.

HARDEMAN,
CARLTON.

The motion prevailed.

ADJOURNMENT

Mr. Hartzog moved that the House adjourn until 10:00 o'clock a. m. next Monday, June 2.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—65

Alsup	Harris of Dallas
Avant	Hartzog
Benton	Heflin
Boone	Helpinstill
Bridgers	Henderson
Bullock	Hoyo
Burnaman	Hughes
Carlton	Humphrey
Cato	Kelly
Connelly	Kennedy
Craig	Kinard
Davis	Lansberry
Deen	Little
Dickson of Bexar	Lock
Dickson of Nolan	Love
Duckett	Lowry
Eubank	Lucas
Ferguson	McCann
Files	McGlasson
Fitzgerald	McMurry
Garland	McNamara
Gilmer	Martin
Halsey	Moore
Hanna	Morgan

Morris	Simpson
Morse	Skiles
Murray	Smith of Bastrop
Pevehouse	Stinson
Rampy	Thornton
Reed of Dallas	Voigt
Ridgeway	Walters
Roberts	Whitesides
Sallas	

Nays—53

Allison	Jones
Bailey	King
Baker	Klingeman
Bell	Knight
Brawner	Lehman
Bray	Lyle
Bundy	McAlister
Burkett	McLellan
Carrington	Manford
Chambers	Manning
Clark	Matthews
Coker	Mills
Crossley	Montgomery
Daniel	Parker
Dove	Reed of Bowie
Dwyer	Rhodes
Evans	Roark
Favors	Senterfitt
Fuchs	Spacek
Goodman	Stanford
Hargis	Taylor
Harris of Hill	Vale
Hileman	Wattner
Hobbs	Weatherford
Howington	White
Huddleston	Winfree
Isaacks	

Absent

Allen	Leyendecker
Bean	McDonald
Brown	Pace
Colson, Mrs.	Phillips
Donald	Price
Ellis	Shell
Gandy	Spangler
Howard	Turner
Hutchinson	

Absent—Excused

Blankenship	Kersey
Bruhl	Markle
Celaya	Nicholson
Cleveland	Sharpe
Crosthwaite	Smith of Atascosa
Hardeman	Stubbs
Huffman	

The House accordingly at 6:20 o'clock p. m. adjourned until 10:00 o'clock a. m., next Monday, June 2.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Education: House Bill No. 1069.

Game and Fisheries: House Bill No. 1070.

Revenue and Taxation: House Bills Nos. 1068 and 1071.

Judiciary and Uniform State Laws: House Bill No. 1064; Senate Bill No. 436.

Counties: Senate Bill No. 452.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, May 28, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 185, Authorizing the enrolling Clerk of the House of Representatives to correct the caption of House Bill No. 922 to conform with the body of the said bill.

Has carefully compared same and finds it correctly engrossed.

Smith of Bastrop,
Vice Chairman.

Austin, Texas, May 28, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1060, A bill to be entitled, "An Act creating Road District No. 6 of Tyler County, Texas, under authority of Article 3, Section 52, of the Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof; making it a body corporate and taxing district; describing said district by metes and bounds; reciting that it comprises a portion of the territory of road district No. 2, of said County which has outstanding road bonds, and declaring that it is not intended by the creation of Road Dis-

trict No. 6 to interfere in any manner with the functioning of said Road District No. 2; providing that such road district shall have authority to issue bonds for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof and levy ad valorem taxes in payment thereof, as contemplated by Article 3, Section 52 of the Constitution of Texas, when authorized by two-thirds majority vote of the duly qualified resident property tax-paying voters of said district; providing that such road district shall be governed in the matter of issuing bonds and levying ad valorem taxes in payment thereof as provided by the General Laws of Texas, and particularly Chapter 16 of the General Laws enacted by the 39th Legislature at its First Called Session, in 1926, and amendments thereto; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

SMITH of Bastrop,
Vice Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 189, Granting permission for each House to adjourn from Thursday, May 29th, until Monday, June 2, 1941.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 190, Instructing the Enrolling Clerk to make necessary corrections in House Bill No. 360.

Has carefully compared same and finds it correctly engrossed.

SMITH of Bastrop,
Vice Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 968, "An Act creating a special road law for Burnet County, Texas; providing that said County may fund or refund into coupon bonds the scrip and time warrants outstanding against it Road and Bridge Fund as of the 12th day of May, 1941; setting forth the method of said funding or refunding; providing for examination and approval of said bonds by the Attorney General; providing for the registration of said bonds by the Comptroller; validating all acts of the Commissioners' Court in issuing said scrip and time warrants; validating said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to Burnet County when not in conflict herewith; providing this Act shall be cumulative of all General and Special Laws not in conflict herewith; providing a saving clause; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 360, "An Act authorizing the Commissioners' Court in each County in this State having a population of not less than ten thousand, three hundred and twenty-five (10,325) nor more than ten thousand, three hundred and fifty (10,350), and not less than nineteen thousand and twenty-five (10,025) nor more than nineteen thousand and seventy (19,070), and not less than twenty-three thousand, nine hundred (23,900) nor more than twenty-three thousand, nine hundred and fifty (23,950), according to the last preceding Federal Census, to allow each

County Commissioner certain expense for traveling and in connection with the use of his automobile on official business only; requiring each such Commissioner to pay the expense of operation and repair of such vehicle so used without any further expense whatsoever to the County; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 189, Granting permission for each House to adjourn from Thursday, May 29th, until Monday, June 2, 1941.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 183, Instructing the Enrolling Clerk to correct House Bill No. 73.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 171, Opposing further transfer of tankers for the purpose of carrying oil and its products to the North Atlantic ports for the British.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1026, "An Act conferring upon the Board of Regents of the State Teachers Colleges the power of eminent domain to acquire land for the use of the Colleges; exempting said Regents from depositing bond as provided in Section 2, of Article 3268, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 576, "An Act to repeal Article 4201a, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1065, "An Act providing that mutual life insurance companies and associations, operating under Senate Bill No. 135, Acts of the Regular Session of the Forty-sixth Legislature, may with the approval of the Board of Insurance Commissioners place provisions in the policies issued providing for the payment of reduced benefits or the exclusion of coverage if death or injury occurs while the insured is engaged in military, naval, aerial service, or aerial flight in time of peace or war; or while engaged in certain hazardous occupations to be named in the policies; or if death or injury is caused by mob violence or legal execution; and providing for reducing or excluding benefits for sickness from certain named causes; providing a saving clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 7, "An Act making a donation of all of the net amount of State ad valorem taxes collected on property situated in and from rolling stock on railroads apportioned to Calhoun County, Texas, to the City of Port Lavaca, Texas, to enable the City to construct, repair, and improve sea walls, breakwaters, and harbors, to prevent continuing and recurring calamitous overflows; providing for reports by the Assessor and Collector of Taxes to Comptroller and providing for disposition of moneys collected by him; authorizing said City to issue bonds subject to the provisions and limitations contained in this Act; prescribing a penalty for diversion of such State donated funds; enacting other provisions relating to the subject; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, May 29, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 73, "An Act amending Article 802 of the Penal Code of Texas, as amended by Acts of the Second Called Session of the Legislature in 1923, as amended by Acts of 1935, Forty-fourth Legislature, First Called Session, Chapter 424, as amended by the Acts of 1937, Forty-fifth Legislature, Chapter 60, providing that any person who drives or operates an automobile or other motor vehicle upon any public road or

highway, or upon any street or alley within the limits of an incorporated city, town or village, while such person is intoxicated or under the influence of intoxicating liquor, shall be guilty of a misdemeanor, reducing the maximum penalty provided in said Article from a penitentiary offense to a fine or jail sentence, and increasing the minimum penalty thereof; and further amending the Penal Code of Texas by adding two new sections to be known as Articles 802b and 802c making the driving and operating of an automobile or other motor vehicle upon the public highways in this State, after a previous conviction of driving an automobile or other motor vehicle while intoxicated upon the public highways in this State, a felony, and prescribing a penalty for violation thereof, and by providing that if any person who shall drive or operate an automobile or other motor vehicle upon the public highways in this State while intoxicated, and while so driving and operating said automobile or other motor vehicle shall through accident or mistake do another act which if voluntarily done would be a felony, shall receive punishment affixed to the felony actually committed; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

SENT TO THE GOVERNOR

May 29, 1941

House Concurrent Resolution No. 180.

House Concurrent Resolution No. 171.

House Bill No. 968.

House Bill No. 1026.

House Bill No. 576.

EIGHTY-SECOND DAY

(Monday, June 2, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and